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Government of Kerala
1980

Reg. No. KL/TV(N)/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXV] Trivandrum, Friday, 13th June 1980 / 23rd Jyaistha 1902 [No. 393

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 4732/LA4/80. *Dated, Trivandrum, 13th June, 1980*

The Kerala Government Land Assignment (Amendment) Bill, 1980 together with the Statement of Objects and Reasons, the Financial Memorandum and the Memorandum regarding Delegated Legislation is published under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1980.

44/MC

Sixth Kerala Legislative Assembly

Bill No. 12

THE KERALA GOVERNMENT LAND ASSIGNMENT (AMENDMENT) BILL, 1980

A

BILL

to amend the Kerala Government Land Assignment Act, 1960.

Preamble.—WHEREAS it is expedient to amend the Kerala Government Land Assignment Act, 1960, for the purpose hereinafter appearing;

BE it enacted in the Thirty-first Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Kerala Government Land Assignment (Amendment) Act, 1980.

2. *Amendment of section 7.*—In section 7 of the Kerala Government Land Assignment Act, 1960 (30 of 1960), in sub-section (1), after clause (n), the following clause shall be, and shall be deemed always to have been, inserted, namely:—

"(nn) providing for revision by the Government of any order passed by any authority under this Act or the rules made thereunder and prescribing the time within which and the conditions subject to which such revisional power may be exercised;".

STATEMENT OF OBJECTS AND REASONS

Sub-section (1) of section 7 of the Kerala Government Land Assignment Act, 1960, empowers the Government to make rules providing for revision by the Board of Revenue of any order passed by the prescribed authority and prescribing the time within which such revisional powers may be exercised. But the Act does not contain any provision enabling the Government to revise the orders passed by the Board of Revenue or any other authority under the Act. For facilitating the smooth implementation of the Act, it is considered necessary that Government should have power to revise the orders passed by any authority under the Act or the rules made thereunder. The bill seeks to amend the Act for this purpose.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill seeks to empower the Government to make rules providing for revision by the Government of any order passed by any authority under the Act or the rules made thereunder and prescribing the time within which and the conditions subject to which such revisional power may be exercised by the Government. These are matters of procedure and detail. The delegation of legislative power is, thus, of a normal character.

P. S. SREENIVASAN

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Vol. XXV] Trivandrum, Friday, 13th June 1980 / 23rd Jyaistha 1902 [No. 394

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 4733/LA4A/80. *Dated, Trivandrum 13th June* 1980.

The Kerala Weights and Measures (Enforcement) Amendment Bill, 1980 together with the Statement of Objects and Reasons and the Financial Memorandum is published under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,

Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1980.

33/2146/MC

THE KERALA WEIGHTS AND MEASURES (ENFORCEMENT) AMENDMENT BILL, 1980

A

BILL

further to amend the Kerala Weights and Measures (Enforcement) Act, 1958.

Preamble.—WHEREAS it is expedient further to amend the Kerala Weights and Measures (Enforcement) Act, 1958, for the purpose hereinafter appearing:

BE it enacted in the Thirty-first Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Kerala Weights and Measures (Enforcement) Amendment Act, 1980.

2. *Omission of section 40A.*—Section 40A of the Kerala Weights and Measures (Enforcement) Act, 1958 (45 of 1958), shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Section 40A of the Kerala Weights and Measures (Enforcement) Act, 1958 (45 of 1958), provides that the Government may, by notification in the Gazette, exempt, subject to such conditions and restrictions as they may think fit to impose, any class of persons, any commodity, any trade or class of trades, or any class of weights, measures or weighing or measuring instruments used or intended to be used for any purpose other than any trade or trades specified in the notification, from all or any of the provisions of the Act, if the Government are satisfied that it is necessary so to do in the public interest. Section 40A was incorporated in the Kerala Weights and Measures (Enforcement) Act, 1958, by the Kerala Weights and Measures (Enforcement) Amendment Act, 1960, for the purpose of empowering the Government to permit in the public interest the continued use of certain types of weighing and measuring instruments. However, the use of all units of weights and measures other than the standard units prescribed in the Standards of Weights and Measures Act, 1956 (Central Act 89 of 1956), has since been banned by various notifications issued under that Central Act. Hence, no purpose will be served by the provisions of section 40A of the State Act as no unit other than the standard unit can be used now. Accordingly, it is proposed to omit that section. The Bill is intended for this purpose.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

P. S. SREENIVASAN

Government of Kerala
1980

Reg. No. KL/TVC[illegible]

KERALA GAZETTE

EXTRAORDINARY

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Vol. XXV] Trivandrum, Friday, 13th June 1980 / 23rd Jyaistha 1902 [No. 395

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 4734/LA4/80. *Dated, Trivandrum, 13th June,* 1980.

The Registration (Kerala Amendment) Bill, 1980 together with the Statement of Objects and Reasons and the Financial Memorandum is published under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1980.

33/2148/MC.

Sixth Kerala Legislative Assembly

Bill No. 14

THE REGISTRATION (KERALA AMENDMENT) BILL, 1980

A

BILL

further to amend the Registration Act, 1908, in its application to the State of Kerala.

Preamble.—WHEREAS it is expedient further to amend the Registration Act, 1908, in its application to the State of Kerala for the purpose hereinafter appearing;

BE it enacted in the Thirty-first Year of the Republic of India as follows:—

1. *Short title and extent.*—(1) This Act may be called the Registration (Kerala Amendment) Act, 1980.

(2) It extends to the whole of the State of Kerala.

2. *Insertion of new section, 80A.*—After section 80 of the Registration Act, 1908, (Central Act 16 of 1908), the following section shall be inserted, namely:—

"80A. *Recovery of Registration fees in certain cases.*—If on inspection or otherwise it is found that the fee payable under this Act in relation to any document which is registered has not been paid or has been insufficiently paid or that the fee paid has subsequently been found to be insufficient due to the fact that the value of the property or the consideration, as the case may be, has not been truly set forth in the document, such fee or the difference between the fee paid and the fee due, as the case may be, may, on a certificate by the Inspector General of Registration or an officer authorised by him in that behalf, be recovered from the person who presented such document for registration under section 32, as an arrear of public revenue due on land under the provisions of the Revenue Recovery Act for the time being in force:

Provided that no such certificate shall be granted unless an enquiry in the prescribed manner has been held and such person has been given a reasonable opportunity of being heard:

Provided further that no such certificate shall be granted after the expiry of a period of three years from the date of presentation of the document under section 32."

STATEMENT OF OBJECTS AND REASONS

According to section 80 of the Registration Act, 1908 (Central Act 16 of 1908), all fees for the registration of documents shall be payable on the presentation of such documents. Therefore, the amount of fees has to be calculated on the consideration or value as shown in the document. There is no provision in the Act to recover the fee or the deficiency in fee, subsequently, if on inspection or otherwise it is found that the registration fee payable in relation to a document has not been paid or has been insufficiently paid. Therefore, it is considered necessary to make a provision in the Act for the demand and recovery of the registration fee which escaped realisation.

2. The Bill seeks to amend the Act in its application to this State, for the above purpose.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State.

P. M. ABUBACKER

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GOVERNMENT OF KERALA

Public Works (D) Department

DECLARATION

No. 25090/D1/80/PW. *Dated, Trivandrum, 11th June* 1980.

Whereas in exercise of the powers conferred by clause (1) of Article 258 of the Constitution, the President has, in his Notification No. 2/4/63/Judl. II dated 31-5-1963 entrusted the Government of Kerala, with their consent, the functions of the Gentral Government, under the Kerala Land Acquisition Act, 1961 (Act 21 of 1962) in relation to acquisition of lands for the purpose of the Union in this State;

And whereas under subsection (4) of section 19 of the said Act the Government of Kerala have directed that in view of the urgency of the case, the provisions of section 5 of the Act shall not apply to the lands specified in the schedule below;

And whereas the Government are satisfied that the said lands have to be acquired for a public purpose;

The Government of Kerala hereby declare under section 6 of the Act that the lands specified in the schedule below and measuring 0.1341 Hectare be the same a little more or less, are needed for a public purpose, to wit, for the formation of Alleppey Town Bye Pass in N.H. 47 and under section 7 of the Act, directs the Special Tahsildar (L.A.) N.H., Alleppey to take order

for the acquisition of the lands. Further, under subsection (1) of section 19 of the Act the Government directs that the Collector may take possession of the lands on the expiry of fifteen days from the date of publication of the notice mentioned in subsection (1) of section 9 of the Act.

A plan of the lands is kept in the Office of the Special Tahsildar (L.A.) N.H., Alleppey and may be inspected at any time during office hours.

ഭരണഘടന 258-ാം വകുപ്പ് (1)-ാം ഖണ്ഡത്താൽ നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച് രാഷ്ട്രപതി, യൂണിയന്റെ ആവശ്യത്തിനായി ഈ സംസ്ഥാനത്ത് ഭൂമി വിലയ്ക്കെടുക്കുന്നത് സംബന്ധിച്ചിടത്തോളം, 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21-ാം ആക്റ്റ്) പ്രകാരം കേന്ദ്രഗവൺമെന്റിന്റെ പ്രവൃത്തികൾ തന്റെ 31-5-1963-ാം തീയതിയിലെ 2/4/63/Judl. II നമ്പർ പരസ്യപ്രകാരം കേരള ഗവൺമെന്റിനെ, ആ ഗവൺമെന്റിന്റെ സമ്മതത്തോടുകൂടി ഭരമേൽപ്പിച്ചിരിക്കയാലും;

പ്രസ്തുത ആക്റ്റ് 19-ാം വകുപ്പ് 4-ാം ഉപവകുപ്പുപ്രകാരം കേരള ഗവൺമെന്റ് പ്രസ്തുത സംഗതിയുടെ അടിയന്തിരസ്ഥിതി പരിഗണിച്ച് ആക്റ്റ് 5-ാം വകുപ്പിലെ വ്യവസ്ഥകൾ താഴെ പട്ടികയിൽ വിവരിച്ചിട്ടുള്ള ഭൂമിക്ക് ബാധകമല്ലെന്ന് നിർദ്ദേശിച്ചിരിക്കയാലും;

പ്രസ്തുത ഭൂമി ഒരു പൊതുകാര്യത്തിനായി വിലയ്ക്കെടുക്കേണ്ടതാണെന്ന് ഗവൺമെന്റിന് ബോദ്ധ്യപ്പെട്ടിരിക്കുന്നതിനാലും;

കേരള ഗവൺമെന്റ് താഴെ കാണുന്ന പട്ടികയിൽ വിവരിച്ചിട്ടുള്ളതും 0.1341 ഹെക്ടർ വിസ്തീർണ്ണമുള്ളതുമായ ഭൂമി അത് അത്രതന്നെയോ, അതിൽ അല്പം കുറവോ കൂടുതലോ ആയിരുന്നാലും വേണ്ടതില്ല, ഒരു പൊതുകാര്യത്തിന് അതായത് നാഷണൽ ഹൈവേയിലെ ആലപ്പുഴ ടൗൺ ബൈപാസ് നിർമ്മിക്കുന്നതിന് ആവശ്യമുണ്ടെന്ന് ആക്റ്റ് 6-ാം വകുപ്പുപ്രകാരം ഇതിനാൽ പ്രഖ്യാപിക്കുകയും ആ ഭൂമി വിലയ്ക്കെടുക്കുന്നതിനുള്ള ഉത്തരവ് സ്വീകരിപ്പാൻ ആക്റ്റ് 7-ാം വകുപ്പുപ്രകാരം ആലപ്പുഴ നാഷണൽ ഹൈവേ ലാൻഡ് അക്വിസിഷൻ സ്പെഷ്യൽ തഹശീൽദാർ എന്ന ആളോട് നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു. ആക്റ്റ് 9-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പിൽ പറഞ്ഞിട്ടുള്ള നോട്ടീസ് പ്രസിദ്ധപ്പെടുത്തുന്ന തീയതി മുതൽ പതിനഞ്ചു ദിവസം കഴിഞ്ഞാൽ കളക്റ്റർക്ക് ആ ഭൂമി കൈവശപ്പെടുത്താവുന്നതാണെന്നും കൂടി ആക്റ്റ് 19-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പു പ്രകാരം ഗവൺമെന്റ് നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു.

സ്ഥലത്തിന്റെ പ്ലാൻ ആലപ്പുഴ നാഷണൽ ഹൈവേ ലാൻഡ് അക്വിസിഷൻ സ്പെഷ്യൽ തഹശീൽദാർ എന്ന ആളുടെ ആഫീസിൽ സൂക്ഷിച്ചിട്ടുണ്ട്. ആഫീസ് സമയത്ത് എപ്പോഴെങ്കിലും അത് പരിശോധിക്കുകയും ചെയ്യാം.

SCHEDULE

District—Alleppey. Taluk—Ambalapuzha.

Villages—Alleppey and Punnapra.

(The extent given is approximate)

Sl. No.	Sy. No.	Description	Extent H. A. Sq.M.		
		I. Village—Alleppey			
1	608/1-12	Dry	0	00	15
2	608/1-11	,,	0	00	03
3	608/1-10	,,	0	00	60
4	608/1-9	,,	0	00	70
5	608/1-8	,,	0	01	95
		Total	0	03	43
		II. Village—Punnapra			
1	477/4-10	Dry	0	02	83
2	477/4-9	,,	0	00	60
3	477/4-8	,,	0	02	85
4	477/4-7	,,	0	03	00
5	477/4-6	,,	0	00	70
		Total	0	09	98

By order of the Governor,
P. SOUMINI,
Joint Secretary to Government.

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